

Incident#  
9711

SCI Sussex Correctional Institution

PO Box 500  
GEORGETOWN DE, 19947  
Phone#: 302-856-5280

## INCIDENT REPORT

Group#: N/A Type: Inmate Involved Incident Date: 03/03/2005 Time: 15:40 Confidential: No

Facility: SCI Sussex Correctional Institution

Followup Required : No

Associated Disciplinary Report #(s): 4587

Incident Location: PRE-TRIAL

Location Description: HU 1, dining area

Violated Conditions: 2.05 Disrespect

2.06/200.108 Failing to Obey an Order

### Description of Incident:

On the above stated date and approximate time this C/O ordered I/M Piper to put the tray down and go to his cell. I/M Piper ignored the order and so the order was repeated. Piper responded he wasn't going to and continued to the last table in the row, putting the tray down. This C/O followed and again stated the order. Piper ran to another part of the day area and I then sprayed. He still did not move in the direction of his cell. As all the other I/M s scattered away from the gas spray, the code 11 was called. Other staff responded immediately. I/M Piper was escorted out. End of report.

Injured Persons	Hospitalized	Nature Of Injuries
N/A	N/A	N/A

Evidence Type: N/A

Date Collected: N/A

Discovered By : N/A

Secured By: N/A

Type of Force Used: ☐ PHYSICAL ☐ CHEMICAL ☐ STUN ☐ OTHER ☐ CAPSTUN ☒ NONE

Restraints Used : N/A

Immediate Action Taken:

N/A

### Individuals Involved

Person Code	Name	SBI#	Title
Inmate	Robert, Piper J	00170365	N/A
Staff	David, Jacobs I	N/A	Correctional Officer

Reporting Officer: Jacobs, David I (Correctional Officer)

Entered By: Jacobs, David I (Correctional Officer)

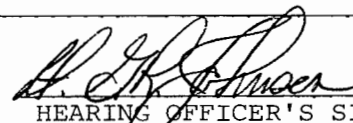
### Approval Information

☒ Approved ☐ Disapproved Date: 03/03/2005 Approved by: Flaherty, Gerard C (Shift Commander - Large Inst.)

Comments: referred to Lt. GR Johnson

Received, Reviewed &  
Approved  
MAR 03 2005  
Watch Commander  
Signature 

EXHIBIT "A"

STATE OF DELAWARE  
DEPARTMENT OF CORRECTIONCLASS I \_\_\_\_\_ CLASS II ☒ DISCIPLINARY HEARING DECISIONDR#: 1587INMATE NAME: ROBERT PIPER INST#: 170365 HEARING DATE: 3/05/06  
TIME: 1210 INMATE PRESENT: ☒ YES ( ) NO REASON: NAWITNESSES PRESENT: 1. NA 2. \_\_\_\_\_ 3. \_\_\_\_\_VIOLATION: 2.05/2.06PLEA: ☒ GUILTY ( ) NOT GUILTY ( ) OTHER: \_\_\_\_\_INMATE STATEMENT: MR PIPER ADMITS TO THE VIOLATION.WITNESS STATEMENT: NADECISION: ☒ GUILTY ( ) NOT GUILTY RATIONALE: REPORT AND OFFENDER PLEA.SANCTION: 2 DAYS C.T.O.  
HEARING OFFICER'S SIGNATURE

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class II Hearing decision.

I ( ) DO ☒ DO NOT INTEND TO APPEAL.  
INMATE'S SIGNATURE

## ORDER TO IMPLEMENT SANCTIONS

- ( ) Inmate does not wish to appeal.  
( ) Time limit for appeal has expired.  
( ) Appeal has been denied.  
( ) Sanctions have been modified on appeal to: \_\_\_\_\_

It is hereby ordered to implement the sanctions or modified sanctions on:

DATE: MAR 03/06 and TIME: 1800

4587

SCI Sussex Correctional Institution

PO Box 500

GEORGETOWN DE, 19947

Phone No. 302-856-5280

**DISCIPLINARY REPORT**Disciplinary Type: Class1Housing Unit: PRE-TRIALIR#: 9711

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00170365	Piper, Robert J	SCI	PRE-TRIAL	03/03/2005	15:40

Violations: 2.05 Disrespect, 2.06/200.108 Failing to Obey an OrderWitnesses: 1. N/A2. N/A3. N/A**Description of Alleged Violation(s)**

On The Above Stated Date And Approximate Time I/M Piper Ignored This C/O, D.Jacobs, To Put The Tray Down And Return To Hi Cell. After Being Ordered Two More Times And Defying The Order, This C/O Sprayed I/M Piper, And Called A Code 11. Sta Immediately Responded And Escorted I/M Piper From The Unit.

Reporting Officer: Jacobs, David I (Correctional Officer)**Immediate Action Taken**Immediate action taken by: Jacobs, David I -Correctional Officer

N/A

**Offender Disposition Details**Disposition: N/ADate: N/ATime: N/ACell secured? NoReason: N/ADisposition Of Evidence: N/A**Approval Information**Approved: ☒Disapproved: ☐Approved By: Flaherty, Gerard C (Shift Commander - Large Inst.)Comments: To Lt. Gr Johnson**Shift Supervisor Details**Date Received: 3/3/05Time: 1742Received From: CO JACOBS**Shift Supervisor Determination:**

☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for \_\_\_\_\_ hours not to exceed 24 hours)

☒ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing

Capt. Flaherty  
Flaherty, Gerard C (Shift Commander - Large Inst.)

I have received a copy of this notice on DATE: MAR 05-05 TIME: 1205 and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing  
Officer:

Lt. Gr Johnson

Offender: X Robert Piper

Piper, Robert J

NOTICE OF ADMINISTRATIVE  
TRANSFER

DATE: 03-03-05

TO: Inmate:

Robert Piper

I.D. NO: 00170365

The undersigned beleives that your behavior and/or attitude may warrant confinement to a more restrictive setting. Consequently, you are hereby administratively transferred to

Behavior Mod

pending completion of an investigation disposition of pending charges, and/or reclassification.

#

Capt Staherty  
Watch Commander

cc: Inmate File

FORM #: 206  
(G&P)



**NOTICE OF DISCIPLINARY HEARING  
FOR CLASS II/CLASS I OFFENSE**

TO: Inmate: ROBERT PIPER Number: 170365 Location: P-T/HU-4 B-M

1. You are hereby ordered to appear before Hearing Officer LT. G.R. JOHNSON  
after 1205, after MAR 06-05, at S.C.I. HEARING OFFICE.  
(Time of Day) (Date) (Location)

2. At the time, a hearing will be held to determine whether you violated the following Institutional Rule(s) as alleged in the attached Disciplinary Report: (State specific rule violated):  
2.05 / 2.06

3. A Class II Offense is a rule violation in which the extent of the sanction imposed shall be restricted to: a. Written Reprimand; b. Loss of one or more privileges for a period of time of more than 24 hours but less than 5 days; c. Confinement to assigned quarters not to exceed 5 days.

4. A Class I Offense is a rule violation in which the extent of the sanction to be imposed shall be restricted to: a. Loss of one or more privileges for a period of time of more than 24 hours but less than 90 days; b. Confinement to assigned quarters for a period of time not to exceed 15 days; c. Isolation confinement for a period of time not to exceed 90 days; d. Loss of good time for a period of time not to exceed up to all earned good time; e. Restitution. Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.

5. You have rights in the disciplinary process as stated on the back of this page. These have been fully explained to you at the time of this notification.

I certify that on 03/05/05 at 1205, (1) I served upon the above inmate Notice of  
(Date) (Time)  
Disciplinary Hearing for Class I/Class II Offense; and (2) the Disciplinary Report is attached hereto.

H. G. Johnson  
(EMPLOYEE SIGNATURE)

x Robert Piper  
(INMATE SIGNATURE)

\*\*\*\*\*

**Class II Offense Inmate Rights in the Disciplinary Process**

**Right to Remain Silent:** If you are charged criminally based upon the same facts giving rise to the disciplinary process, you have the right to remain silent at the Disciplinary Hearing. If you choose to remain silent your silence will not be considered against you at the Disciplinary Hearing may be considered against you.

**Presence:** You have the right to be present at all phases of the hearing, except that you may be excluded during the Hearing Officer's deliberations and at any time your behavior becomes disruptive to the proceedings. Reasons for such exclusions shall be stated in writing.

**Impartial Hearing Officer:** You have the right to be heard by an impartial Hearing Officer who shall not have witnessed the incident in question, been involved in preparation of the charge, or otherwise biased against you. Such Hearing Officer shall not have had supervisory responsibility over you during the six months immediately presiding the hearing and shall be of a rank no lower than Sergeant.

**Make Statement and Present Evidence:** You have the right to make a statement and present any reasonable evidence, including written statements from others, in your behalf.

**Record of Findings:** You have the right to receive a written record of the disciplinary hearing. Such records shall state the findings of the Hearing Officer, summarize the evidence relied upon, and will state the sanctions imposed if any.

**Appeal:** You have the right to appeal the decision of the Class II Hearing Officer to the Class I Hearing Officer. At the Disciplinary Hearing you will be provided with an appeal form. Execution of any sanctions imposed by the Hearing Officer UNLESS YOU INDICATE ON THE APPEAL FORM THAT YOU DO NOT INTEND TO APPEAL.

WAIVER

DATE: MAR 06-05

TIME: 1210

I, INMATE ROBERT PIPER GRANT PERMISSION TO WAIVE THE 24 HOUR  
WAITING PERIOD FOR DISCIPLINARY HEARING.

SIGNED: Robert Piper

FORM #: 238

STATE OF DELAWARE  
DEPARTMENT OF CORRECTION

CLASS I \_\_\_\_\_ CLASS II ☒

APPEAL NOTICE

DR#: 4587

INMATE NAME: ROBERT PIPER

INST#:

DATE:

HEARING DATE: MAR 05/06

VIOLATION: 2.05/2.06

HEARING DECISION: GUILTY

SANCTION: 20AYS CTR

I understand I have 72 hours in which to file a written notice of appeal to the Class I Hearing Officer in the case of an appeal from a Class II Hearing decision or to the Warden in the case of an appeal from a Class I Hearing decision.

APPEAL:

NO  
APPEAL

Robert Piper  
INMATE'S SIGNATURE

APPEAL DECISION:

Number

Commitment Name

Inst/Unit

Case Number

DR 4587

Date/Time of Hearing

MAR. 05/05 1210170365ROBERT PIPERSCI/PT HU-4

## 1. Hearing Officer's Decision:

☒ Guilty ☐ Not Guilty ☐ Probation

## 2. Sanction Imposed:

\_\_\_\_\_ days LOP \_\_\_\_\_

2 days confinement to quarters

\_\_\_\_\_ days Probation/Sanction Suspended

\_\_\_\_\_ Written Reprimand

## 3. Stay of Sanction:

☐ Execution will be stayed.

Case Appealed

☒ Execution will not be stayed.

Will Not Appeal

START: 3/3/05  
END: 3/5/05

I verify receiving a copy of sanction this date.

Robert Piper3-5-05H. L. P. [Signature]

Inmate Signature and Date

Signature of Hearing Officer

(3-part NCR)





STATE OF DELAWARE  
DEPARTMENT OF CORRECTION  
SUSSEX CORRECTIONAL INSTITUTION  
P.O. BOX 500  
GEORGETOWN, DELAWARE 19947

TELEPHONE: (302) 856-5280

MEMORANDUM

FROM: Hearing Officer

RE: ORDER TO EXECUTE SANCTIONS

CASE NUMBER: 4587

This 5<sup>TH</sup> day of MARCH, 2005, whereas,

Inmate ROBERT PIPER has been  
guilty of 2.05/2.06

and

☒ [ ] whereas, said inmate does not want to appeal; or

[ ] whereas, more than 72 hours have expired since the  
Disciplinary Hearing was held; or

[ ] An appeal filed by said inmate has been denied by the  
Commissioner or his designee.

NOW, THEREFORE, IT IS ORDERED that the following sanction  
be executed:

2 DAYS C.T.O.

LT. G.R. JOHNSON  
Hearing Officer

[Signature]  
Signature